IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO.951 OF 2002

IN

SUMMONS FOR JUDGMENT NO.176 OF 1999

IN

SUMMARY SUIT NO.3638 OF 1998

...

M/s.Texind Engineering Corporation
and anr. ...Appellants

v/s.

M/s.Shah Petroleums Limited ...Respondents

...

Mr.Kamal Katha with Mr.S.Nagvadaria and Ms.Sheetal Jain i/b M/s.Mehta & Co. for the Appellants.

Mr.Zal Andhyarujina with Ms.Shruti Baya i/b Raj Bait

for the Respondents.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.
DATED: 24TH OCTOBER, 2007

P.C.:

. By consent of parties, Appeal is disposed of in following terms:

1. Admittedly the Appellants have deposited the amount of Rs.1,00,000/- (Rupees one lakh) pursuant to the interim order that was passed in this Appeal. The Appellants shall deposit a further amount of Rs.1,00,000/- (Rupees One lakh) within a period of eight weeks from today with due intimation to the Plaintiffs.

2. On this further amount of Rs.1,00,000/- being deposited, leave to defend shall stand granted to the Appellants/Defendants, and they will be entitled to file their written statement within a period of eight weeks from the date of deposit.

3. On the further amount being deposited, it will be invested in fixed deposit in a nationalised bank during the pendency of the suit to the credit of the suit.

4. If the Defendants fail to deposit the further amount of Rs.1,00,000/-, as directed above within the aforesaid time, the suit of the Plaintiffs shall stand decreed in terms of prayer clauses (a) & (b) and in that event the Plaintiffs shall be permitted to withdraw the amount of Rs.1,00,000/-, which is already deposited by the Appellants.

5. Appeal disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)